

Appl. No. 10/024,783  
Final Amendment and/or Response  
Reply to final Office action of 23 January 2006

Page 7 of 9

REMARKS / DISCUSSION OF ISSUES

Claims 1, 4-8, 10-11, 13-14, 17, and 21-28 are pending in the application.

Claims 1 and 6 are amended to conform to the Office action's requirement for inclusion of a physical description instead of a product-by-process clause. The applicants respectfully maintain that the claims are suitable for admittance because the scope of the claims is unchanged.

The Office action rejects:

claims 1, 4-5, 8, and 14 under 35 U.S.C. 103(a) over Schoo and Hayashi et al. (USP 6,806,643, hereinafter Hayashi);

claim 6 under 35 U.S.C. 103(a) over Schoo, Hayashi, and Yudasaka et al. (USP 6,541,918, hereinafter Yudasaka);

claim 7 under 35 U.S.C. 103(a) over Schoo, Hayashi, and Strum et al. (USP 6,087,196, hereinafter Strum);

claim 17 under 35 U.S.C. 103(a) over Schoo, Hayashi, Yudasaka, and Strum;

claims 10, 13, and 22 under 35 U.S.C. 103(a) over Schoo and Gao et al. (USPA 2002/0051893, hereinafter Gao);

claims 11 and 21 under 35 U.S.C. 103(a) over Schoo, Gao, and Yudasaka;

claims 23-25 under 35 U.S.C. 103(a) over Schoo, Gao, and the Applicants' Admitted Prior Art (hereinafter AAPA); and

claims 26-28 under 35 U.S.C. 103(a) over Schoo, Hayashi, and AAPA.

The applicants respectfully traverse these rejections.

**Appl. No. 10/024,783**  
**Final Amendment and/or Response**  
**Reply to final Office action of 23 January 2006**

**Page 8 of 9**

Schoo was filed in the U.S. on 24 April 1997 and issued on 4 December 2001. The current application claims priority to 22 December 2000, after the date that Schoo was filed, and before the date that Schoo was issued, and therefore Schoo is available as prior art under 35 U.S.C. 102(e).

In accordance with 35 U.S.C. 103(c)(1):

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (c), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Above is a statement of common ownership of Schoo and this application at the time that this invention was made, as required by 35 U.S.C. 103(c) to disqualify Schoo from being used in a rejection under 35 U.S.C. 103(a).

Because Schoo is not available as prior art for this application, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 1, 4-8, 10-11, 13-14, 17, and 21-28 under 35 U.S.C. 103(a) based on Schoo.

Additionally, the applicants note that Hayashi claims priority to 10 May 2001, which is after the applicants' claimed priority date.

The applicants further traverse the Office action's assertions regarding characterizations of the prior art, including the applicants' admitted prior art, and the characterizations of the applicants' prior remarks and the applicants' claimed invention. However, in view of the fact that Schoo is not available as prior art, no further comments are required.

The applicants note that the Office action includes comments regarding "Hu"; however, Hu is not cited in any of the rejections in this Office action.

**Appl. No. 10/024,783**  
**Final Amendment and/or Response**  
**Reply to final Office action of 23 January 2006**

**Page 9 of 9**

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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